

## **Remarks**

### Summary of Telephonic Interview

Applicant's representative, Diane Dobrea, sincerely thanks Examiner Cho for initiating the telephone interview on February 27, 2007. Examiner Cho explained that the previous Restriction Requirement, mailed October, 11, 2006, intended for Applicant to further elect a single gene or gene region and a set of primers and a probe, but was unclear as to what the Applicant needed to elect. Applicant requested that a new Restriction Requirement be issued, and Examiner Cho agreed.

### Restriction Requirement

In the Action mailed March 12, 2007, the Office restricted the application to the following Groups of claims:

Group I - Claims 1-4 and 21-24, drawn to a method of detecting Alicyclobacillus and Geobacillus through 16S fragment 1327-1460 detection, classified in Class 435, subclass 6;

Group II - Claims 9-12, drawn to a method of detecting Alicyclobacillus and Geobacillus through 16S fragment 752-813 detection, classified in class 435, subclass 6;

Group III - Claims 5-8, drawn to a method of detecting Alicyclobacillus and Geobacillus through Shc fragment 334-485 detection, classified in Class 435, subclass 6;

Group IV - Claims 13-16 and 25, drawn to a method of detecting mold and yeast through SEQ ID NO:123, 81-225 fragment detection, classified in Class 435, subclass 6;

Group V - Claims 17-20, drawn to a method for detecting mold and yeast through SEQ ID NO:123, 114-238 fragment detection, classified in Class 435, subclass 6;

Group VI - Claim 26, drawn to a kit for detecting Alicyclobacillus and Geobacillus by detecting 16S, 1327-1460 fragment detection, classified in Class 435, subclass 24.32;

Group VII - Claim 27, drawn to a kit for detecting Alicyclobacillus and Geobacillus by detecting 334-485 Shc fragment detection, classified in Class 435, subclass 24.32;

Group VIII - Claim 28, drawn to a kit for detecting Alicyclobacillus and Geobacillus by detecting 16S, 752-813 fragment detection, classified in Class 435, subclass 24.32;

Group IX - Claim 29, drawn to a kit for detecting yeast or mold through SEQ ID NO:123, 81-225 fragment detection, classified in Class 435, subclass 24.32; and

Group X - Claim 30, drawn to a kit for detecting yeast or mold through SEQ ID NO:123, 114-238 fragment detection, classified in Class 435, subclass 24.32.

Election and Traverse

In response to the Restriction Requirement, Applicant elects Group I, i.e. claims 1-4 and 21-24, **without traverse**.

Election of Nucleic Acid Sequence

The Office has required a further restriction for claims 2-4, 6-8, 10-12, 14-16 and 24-25. Applicant has elected Group I, i.e. claims 1-4 and 21-24. Applicant further elects SEQ ID NO:1 as the forward primer in claims 2 and 24, SEQ ID NO:4 as the reverse primer in claims 3 and 24, and SEQ ID NO:2 as the probe in claims 4 and 24, **without traverse**.

It is believed that there is no fee or no additional fee associated with the filing and consideration of this document, however, should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering or considering this document to deposit account number 03-0172.

*Application No. 10/727,261*  
*Attorney Docket No. 22727/04148*  
*Response to Restriction Requirement*

Respectfully submitted,

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